

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

vs.

James Deshawn Williams,
a/k/a Stro,

Defendant.

Criminal No. 17-cr-20758

Honorable Victoria A. Roberts

_____/

STIPULATED PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through its attorneys, Matthew Schneider, United States Attorney for the Eastern District of Michigan, and Shankar Ramamurthy, Assistant United States Attorney, together with Defendant James Deshawn Williams (“Defendant”), individually and by and through his attorney, Michael A. Rataj, Esq., hereby submit this Stipulated Preliminary Order of Forfeiture:

1. A First Superseding Indictment was filed and charged Defendant with Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1) (Count One), with Possession/Discharge of a Firearm in Furtherance of a Drug Trafficking Offense in violation of 18 U.S.C. §§ 924(c) and 2 (Count Two) and Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1) (Count Three) and sought criminal forfeiture pursuant to 18 U.S.C. § 924(d)(1).

2. The United States filed a First Forfeiture Bill of Particulars on February 4, 2019, which set forth the government's notice and intent to forfeit seized firearm(s) and ammunition upon Defendant's conviction for the charged offenses. (Dkt. No. 37).

3. On or about February 5, 2019, Defendant entered into a Rule 11 Plea Agreement ("Plea Agreement") and pled guilty to violating 18 U.S.C. § 922, as alleged in Count One of the First Superseding Indictment. (Dkt. No. 38).

4. Defendant agrees, pursuant to 18 U.S.C. § 924(d), to the forfeiture of the following "Subject Property" as being involved in Defendant's violations of 18 U.S.C. § 922(g):

- a. One (1) Smith & Wesson, SW40VE, .40 caliber handgun, Serial No. PDY4558;
- b. Two (2) Glock .40 caliber magazines;
- c. One (1) American Tactical extended 7.62x39 caliber magazine;
- d. One (1) 7.62x39 caliber magazine;
- e. One (1) .40 caliber magazine;
- f. One (1) 7.62x39 caliber drum magazine;
- g. Seven (7) .40 caliber rounds;
- h. Thirty-Five (35) .45 caliber rounds;
- i. Three (3) .308 caliber rounds;
- j. Nineteen (19) 9mm rounds;

- k. Seventy-Two (72) 7.62x39 caliber rounds;
- l. One (1) .223 caliber round;
- m. Sixteen (16) .38 Special caliber rounds;
- n. One (1) box containing Twenty (20) .38 Special caliber rounds;
- o. One (1) box containing Three (3) 12 gauge shotgun shells;
- p. One (1) bullet; and
- q. One (1) gun case containing two miscellaneous magazines and ammunition

5. Defendant expressly waives his right to have a jury determine the forfeitability of his interest in the Subject Property as provided by Rule 32.2(b)(5) of the Federal Rules of Criminal Procedure.

6. Defendant knowingly, voluntarily, and intelligently waives any challenge to forfeiture of the Subject Property based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

7. Defendant acknowledges that he understands that forfeiture of the Subject Property is part of the sentence that may be imposed on him in this case and waives his right to challenge any failure by the Court to advise him of this at the time that his guilty plea was accepted pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J).

8. Defendant waives the requirements of Federal Rules of Criminal Procedure 32.2 regarding pronouncement of forfeiture at sentencing and incorporation of forfeiture in the judgment.

9. Defendant hereby agrees to immediate entry of this Stipulated Preliminary Order of Forfeiture, and agrees that any and all interest he has in the Subject Property shall be forfeited to the United States for disposition according to law.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Based upon the First Superseding Indictment, the Government's First Forfeiture Bill of Particulars, the Rule 11 Plea Agreement and guilty plea, this Stipulation, and other information in the record, and pursuant to 18 U.S.C. §§ 924(d), the Subject Property IS FORFEITED to the United States for disposition according to law, and any right, title or interest of Defendant, and any right, title or interest that his heirs, successors or assigns, have or may have in the Subject Property IS HEREBY AND FOREVER EXTINGUISHED.

2. Upon entry of this Stipulated Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order. Pursuant to 21 U.S.C. § 853(n), Federal Rule of Criminal

Procedure 32.2(b)(6) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish on www.forfeiture.gov notice of this Stipulated Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property. Said notice shall direct that any person, other than the Defendant, asserting a legal interest in the Subject Property, may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in any claimed Subject Property. Any petition filed by a third party asserting an interest in any of the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in any identified Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in any identified Subject Property, any additional facts supporting the petitioner's claim, and the relief sought.

3. The United States is hereby authorized, pursuant to Federal Rule of

Criminal Procedure 32.2(c), to conduct discovery in the ancillary proceeding in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

4. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Stipulated Preliminary Order of Forfeiture shall become final as to Defendant upon entry and forfeiture of the Subject Property shall be made part of the Defendant's sentence in this case and included in the Judgment. If no third party files a timely petition before the expiration of the period provided in 21 U.S.C. § 853(n)(2), or all third party petitions are disposed of or adjudicated in favor of the United States, then this Stipulated Preliminary Order of Forfeiture shall become the Final Order of Forfeiture as provided by Federal Rule of Criminal Procedure 32.2(c)(2).

5. After this order becomes the Final Order of Forfeiture, the United States shall have clear title to the Subject Property and shall be authorized to dispose of the Subject Property as prescribed by law.

6. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

MATTHEW SCHNEIDER
United States Attorney

s/ SHANKAR RAMAMURTHY
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Dated: June 19, 2019

s/ MICHAEL A. RATAJ
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P-43004
Dated: June 19, 2019

(Signature page attached)
JAMES DESHAWN WILLIAMS, Defendant
Dated: June __, 2019

IT IS SO ORDERED.

Dated: 6/20/19

s/ Victoria A. Roberts
Honorable Victoria A. Roberts
United States District Judge

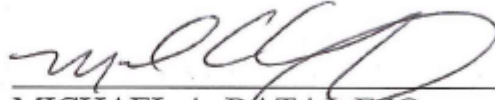
Agreed as to form and substance:

MATTHEW SCHNEIDER
United States Attorney



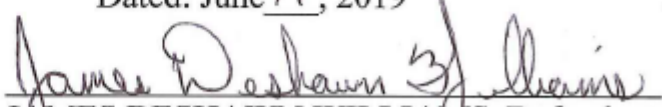
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Dated: June 19, 2019


JAMES DESHAWN WILLIAMS, Defendant

Dated: June __, 2019
